

**To:** Egan, Robert[egan.robert@epa.gov]  
**From:** Kamke, Sherry  
**Sent:** Fri 9/1/2017 5:06:04 PM  
**Subject:** FW: Tower Standard Commitments

**From:** Harris, Michael  
**Sent:** Friday, September 01, 2017 11:47 AM  
**To:** Ales, Stephen M - DNR <Stephen.Ales@wisconsin.gov>  
**Cc:** Lowery, Brigid <Lowery.Brigid@epa.gov>; Kamke, Sherry <Kamke.Sherry@epa.gov>; Victorine, Gary <victorine.gary@epa.gov>; Foss, Darsi J - DNR <Darsi.Foss@wisconsin.gov>; Robinson, John H - DNR <John.Robinson@wisconsin.gov>; Fassbender, Judy L - DNR <Judy.Fassbender@wisconsin.gov>; Saari, Christopher A - DNR <Christopher.Saari@wisconsin.gov>  
**Subject:** RE: Tower Standard Commitments

Stephen –

It was a pleasure speaking with you. We also look forward to moving this site towards remediation and appreciate WDNR's commitment.

Yes, EPA agreed to complete an Interim Measure Corrective Measures Study and Cost Analysis (IMCMS/CA) referred to here as a Feasibility Study (FS) and a Pilot Study (PS) which will review both Air Sparging/Soil Vapor Extraction (AS/SVE) and excavation. We believe our current understanding of site conditions can be enhanced by conducting field studies for both AS/SVE and excavation.

We also agreed to the following actions:

- EPA will complete a FS that considers AS/SVE and excavation and also a PS for AS/SVE and excavation.
  - EPA will mobilize drill rigs to install the necessary AS/SVE wells and vapor monitoring points in order to complete an AS/SVE pilot test.
- In the event that AS/SVE is selected as the interim measure, EPA will use the data from the AS/SVE pilot test to assist WDNR in designing the full scale AS/SVE. EPA's assistance in the design stage will largely come from Tom Kady. The data will also be shared with LdF.

- EPA expects to complete all of the above work by mid-October in order to allow time for the AS/SVE system to be installed and operational before winter.

The results of both the FS and PS will help us determine which option is the most effective and efficient means of reducing the contamination at the site.

If these studies show that AS/SVE is the most appropriate remediation for reducing the contamination at the site, the design of the full scale AS/SVE system will be shared with the Responsible Party (RP) -- the Kozaks and their consultant, REI. They will develop and submit a scope of work to WDNR to utilize available PECFA funds to install and operate the system over the winter and into next spring.

The RP through their consultant will be responsible for operating and maintaining the system and for collecting the necessary groundwater and vapor sampling to monitor remedial progress. We know that WDNR will be overseeing this work by the RP and REI. EPA and its experts also intend to provide technical input to this process. EPA considers this an interim action which may require additional work at the site.

During the call EPA indicated that they have access agreements to all of the three properties (the Kozaks, the former restaurant property to the east, the hotel property to the west) needed to install the AS/SVE system, conduct the AS/SVE pilot test, and sample groundwater monitoring wells and vapor monitoring points. To clarify, EPA is currently revising the access agreement for the owner of the former restaurant property to include work associated with the FS and PS.

Please call me or email me at 312.886.0760; [harris.michael@epa.gov](mailto:harris.michael@epa.gov) if you have any questions.

Thank you.

Michael D. Harris

Deputy Director

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**From:** Ales, Stephen M - DNR [<mailto:Stephen.Ales@wisconsin.gov>]  
**Sent:** Wednesday, August 30, 2017 2:31 PM  
**To:** Harris, Michael <[harris.michael@epa.gov](mailto:harris.michael@epa.gov)>  
**Cc:** Kamke, Sherry <[Kamke.Sherry@epa.gov](mailto:Kamke.Sherry@epa.gov)>; Victorine, Gary <[victorine.gary@epa.gov](mailto:victorine.gary@epa.gov)>; Foss, Darsi J - DNR <[Darsi.Foss@wisconsin.gov](mailto:Darsi.Foss@wisconsin.gov)>; Robinson, John H - DNR <[John.Robinson@wisconsin.gov](mailto:John.Robinson@wisconsin.gov)>; Fassbender, Judy L - DNR <[Judy.Fassbender@wisconsin.gov](mailto:Judy.Fassbender@wisconsin.gov)>; Saari, Christopher A - DNR <[Christopher.Saari@wisconsin.gov](mailto:Christopher.Saari@wisconsin.gov)>  
**Subject:** Tower Standard Commitments

Mike:

Thanks for the conversation yesterday afternoon regarding the Tower Standard site. We appreciate your efforts to move this site along towards remediation, and to recognize the state's need to address remedial actions prior to the PECFA sunset.

In our conversation you indicated that EPA agreed that Air Sparge/Soil Vapor Extraction (AS/SVE) is a remedy likely to succeed in this geologic environment. However, at the request of the Lac du Flambeau (LdF) Tribe and their consultant, EPA agreed to complete a Feasibility Study (FS) that will review both AS/SVE and excavation.

In addition to agreeing that AS/SVE is the best remedy for this site, EPA also agreed to take the following actions at the following timetable:

- EPA will complete an FS that considers AS/SVE and excavation.
- EPA will mobilize drill rigs to install the necessary AS/SVE wells and vapor monitoring points in order to complete an AS/SVE pilot test.
- EPA will complete the AS/SVE pilot test.

- EPA will use the data from the AS/SVE pilot test to design a full scale AS/SVE system for the site. The full scale design will be provided to WDNR and LdF.

- EPA agreed to complete all of the above work by the end of September in order to allow time for the AS/SVE system to be installed and operational before winter. Due to weather and contractor availability the WDNR thinks the system needs to be installed by mid-November.

The design of the full scale AS/SVE system will be shared with the RP (the Kozaks) and their consultant will develop and submit a scope of work to WDNR to utilize available PECFA funds to install and operate the system over the winter and into next spring. The RP through their consultant would be responsible for operating and maintaining the system and for collecting the necessary groundwater and vapor sampling to monitor remedial progress.

During the call EPA indicated that they have access agreements to all of the three properties (the Kozaks, the former restaurant property to the east, the hotel property to the west) needed to install the AS/SVE system, conduct the AS/SVE pilot test, and sample groundwater monitoring wells and vapor monitoring points. Could EPA please let WDNR know if these access agreements extend beyond site characterization and include remedial activities?

A concern we asked during our call is whether EPA thinks LdF will accept something less than groundwater attaining drinking water standards for this site. AS/SVE should substantially reduce the concentration of contaminants in groundwater and will also promote biodegradation/natural attenuation of the remaining gasoline compounds. However, it is highly unlikely to immediately achieve drinking water standards. LdF has previously stated that the groundwater must be clean before they will close out the case.

You responded that LdF may not accept the risk based approach that WDNR and EPA utilize for environmental contamination cases. Upon attaining the cleanup criteria spelled out in NR 726 Wis. Admin. Code the RP may submit the site for closure and WDNR would be required to approve which would cut off funding through the PECFA program. EPA could continue to work with the Tribe to evaluate alternative approaches for remaining contamination. EPA would have to work with the property owner for any additional remedial actions after WDNR closes the site.

As I stated above, the WDNR is very appreciative of the efforts EPA and the LdF Tribe have taken to move this site towards a remedy and eventual closure. If the summary I have presented is accurate both in the work described, and in the timetable listed, the WDNR will work with the RP to ensure the AS/SVE system is properly installed and operated. I ask that you respond to this email by Friday, September 1<sup>st</sup> affirming EPA's commitment to this work and timeline.

If I have misunderstood our conversation yesterday either in terms of the work EPA will complete, or the timetable in which the work will be completed, please give me a call to discuss. I can be reached at 608-264-6014

Steve

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